

4. Thereafter, Kensington began various actions to enforce its judgment on assets of the Congo Republic and/or its alleged emanations in France and at various times served attachments and other seizures upon BNP Paribas in Paris. Certain of these efforts by Kensington against the bank are described in a prior affidavit that was made by Mr. Jean-Marc Buisson of BNP Paribas in Kensington's New York state action against the bank, a copy of which is attached as Exhibit A.

5. On November 23, 2004, Kensington served another seizure upon BNP Paribas in Paris seeking assets relating to Congo; the Congolese state-owned oil company, Société Nationale des Pétroles du Congo ("SNPC"); and other Congolese state-owned entities.

B. Kensington v. SNPC (Enforcement Court)

6. In 2005, SNPC commenced a proceeding against Kensington before the French court that is responsible for post-judgment executions and seizures ("saisies") (the Enforcement Magistrate of the Court of First Instance) in order to void the attachment obtained by Kensington on November 23, 2004.

7. In this proceeding, Kensington asserted that BNP Paribas improperly allocated to itself the pledged funds that should have gone to Kensington. Kensington also complained more generally about the manner in which the transactions involving SNPC were arranged. A copy of Kensington's brief, together with an unofficial translation, is attached as Exhibit B.

8. In this proceeding, Kensington asked the Court of First Instance to set up an "expert investigation" into BNP Paribas and its prior responses to the seizures. Although in ambiguous terms but which could not be construed otherwise, Kensington asked for the expert to be given the authority to have access to the bank's documents, and to hear testimony, all concerning the relations between BNP Paribas and SNPC. (Exhibit B).

9. Kensington did not name BNP Paribas as a party to this proceeding, thus violating French concepts of due process.

10. By filing a brief with the court on July 1, 2005, BNP Paribas intervened in the suit between SNPC and Kensington in order to protect the bank's rights under French law.

11. The Registry of the Enforcement Magistrate notified to the initial claimant and defendant in this proceeding (the intervention of BNP Paribas being to be officially noted down at the first hearing), on July 11, 2005, that the Enforcement Magistrate would hold his first procedural hearing on October 17, 2005 and would hear the parties' arguments on November 14, 2005.

C. Trafigura v. BNP Paribas and Kensington (Paris Commercial Court)

12. Kensington has also appeared in a proceeding brought by Trafigura Beheer B.V ("Trafigura") against BNP Paribas before the Commercial Court in Paris, in which Trafigura asked the Paris court to prohibit the bank from producing documents in response to a subpoena served on BNP Paribas in the related action pending in this Court, Kensington Int'l Ltd. v. Republic of Congo, No. 03 Civ. 4578 (LAP), to which BNP Paribas is not a party. Alleging that such production was necessary to facilitate the effectiveness of the attachment of November 24, 2004, Kensington asked the Paris court, *inter alia*, to order the bank and Trafigura to produce a financing agreement and the documents concerning the shipment of oil, arguing that it has a legitimate interest and right, as a judgment creditor in France, in obtaining all financial documents between Trafigura and BNP Paribas concerning Congolese oil. A copy of Kensington's submission to the Paris court, together with an unofficial translation, is attached as Exhibit C. Kensington also requested the Court to enjoin the production by the Bank of any documents related to SNPC. Trafigura argued that production of the documents would be

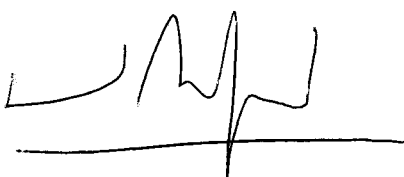
contrary to French public policy ("ordre public") as manifested in the French bank secrecy laws and the statute governing the communication of evidence for the purposes of foreign proceedings. In a July 20, 2005 Judgment (attached as Exhibit D), the Paris court, as recommended by the public prosecutor, agreed with Trafigura that the production sought by Kensington would violate public policy.

D. FGH's Exequatur Action

13. In 2001, FGH apparently acquired US\$29 million of Congolese debt. FGH brought an action to enforce the debt against Congo in the Southern District of New York and obtained a judgment in 2002. FGH subsequently brought a successful proceeding in France to enforce the judgment and has launched dozens of execution measures against alleged French debtors of the Congo Republic and its purported emanations, including BNP Paribas, in France. Litigation is currently pending in France between FGH and BNP Paribas in connection with 28 seizures on alleged Congolese assets served by FGH on BNP Paribas.

14. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Paris, France,
on this 29th day of July, 2005.



EMMANUEL ROSENFELD